INTERVIEW WITH
DEEPA CHANDRA

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ALL WOMEN’S ACTION SOCIETY
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MALAYSIA
Deepa is a Programme Officer at the All Women’s Action Society (AWAM) in Selangor, Malaysia, a feminist NGO that works towards securing women’s rights, supporting women in crisis, and building counter-narratives about the nation’s ethnic and religious landscape that promote equality, justice, and democracy.

Deepa Chandra (right) is opening up space for dialogue about women’s rights and justice in Malaysia.

Deepa Chandra talked with CGHR member, Yi Ning Chang, about human rights, voice, and building bridges across difference...
How would you describe your belief in human rights?

I've never thought about it very much because it's very ingrained, but I've always believed that human rights are inalienable. They are, or they should be, guaranteed to you as long as you're a human being. The principles underlying human rights, I believe, are basic justice, fairness, non-discrimination, and, most importantly, equality. At the same time, though, intersectionality is important, because not everyone is the same. Whether it's gender, social class, ethnicity, race, or religion, people are different, and some people have more privilege than others. When we talk about rights, we have to recognise the imbalances between people that result from these differences, and where these imbalances happen.

Do you find that you and other women's human rights defenders have had to modify any of your initial beliefs in human rights to suit the Malaysian context?

Historically, yes. Thirty years ago, when the women's rights movement really got going in Malaysia, we had very Western narratives of human rights, and it was important to apply it to the local context. The women's rights groups, including AWAM, found a universal language in the issue of domestic violence. Now, what Western narratives are not aware of is the role of religion and culture in Malaysia's domestic violence problem. The country's culture is very ethnically varied, so it's hard to say there's one religion or one culture, but a common theme is patriarchy. The man is always seen as the head of the household, so a lot of the time, the woman is not given the kind of respect, the kind of space, that she should have. This wasn't always the case. If you look back to the 1960s, or the 1940s, or even earlier in Malaysia, there was barely any power imbalance between husband and wife – between men and women. Charles Hirschman [an American sociologist] has written on how in Malaysia, especially in Malay culture, there was no such power imbalance before the British colonisation of the country.

They brought patriarchal ideas into Malaysia with them – I hold them responsible – and afterwards, as religious practices became more dominant, the Bible and the Qur’an began to be used by those who wanted to peddle narratives of the submissive wife, mother, and daughter. Western narratives, especially in the 1980s, don’t explain these things for us, and from my perspective, we're still trying to figure out how to localise the narrative. Unless we do, in the absence of research on our specific context, right-wing conservatives will be able to continue to preach their patriarchal narratives.

Can you give me an example of patriarchal systems in place in Malaysia?

The problem of unilateral conversion is an example of the intersectionality of patriarchy in Malaysia. Malaysia has a dual court system, where Muslims are subject to Syariah Law for all family matters (only), but non-Muslims are subject to civil law. In recent years, we’ve seen a lot of non-Muslims abusing the loopholes in this system by converting themselves to Islam prior to divorce, and then unilaterally converting their children so that they would benefit from the Syariah Court’s protection in the subsequent custody battle. The Syariah system is very one-sided and, in practice, it grants a lot of benefits to the man. In a recent case [known as the Indira Gandhi case], justice was theoretically done when the courts refused to recognise the father’s unilateral conversion of two children because it took place during the divorce. However, the police were not cooperative, and it caused a lot of back-and-forth that resulted in the denial of the mother’s rights in the divorce. Although the civil court judge had instructed the police to trace the missing daughter, after granting custody to the mother, the police refused to do so, on the grounds that the Syariah Court hadn’t instructed them to do so. The Indira Gandhi case has said a lot about the power imbalances in this dual-court system, where a conflict between religious and secular law ended up benefiting the Muslim husband. It’s also said a lot about the way religion is politicised in this country to deny women their rights, for instance in a case of divorce.
So the fact that Malaysia has multiple belief systems to contend with means that the application of human rights beliefs is complex and not very straightforward. It’s hard to navigate these different systems and beliefs.

Exactly. The efforts of women’s rights groups to pass the Domestic Violence Act (DVA) is another example of this. It shows how we try to acknowledge the differences between the Western origins of human rights ideas and the local context, but in a way that makes sure everyone has blanket protection of their human rights. In 1994, the women’s groups working on the DVA made it very clear that the Act had to cover both Muslims and non-Muslims. This was a challenge, because although domestic violence obviously cuts across religions, Muslim and non-Muslim women are subject to different legal procedures on the matter. Muslim women who want to use domestic violence as grounds for divorce have to provide evidence of the violence, evidence that the Syariah Court has to deem permissible. At the time, then, the Attorney-General advised the women’s rights groups to draft an act to only cover non-Muslims under civil law, but the activists made it very clear that they weren’t going to leave their Muslim sisters behind. The DVA was passed in the end. It was inserted into the Penal Code in order to make sure that it would provide blanket protection to both Muslims and non-Muslims. This is an example of how we can navigate the different systems and beliefs in our human rights work. It’s not easy, because when we have two separate systems of law in the same nation, it’s very difficult to ensure that everyone’s human rights are protected. The solution provided in the DVA is to extend that protection to all Malaysians, while ensuring that the Syariah system is still in place so that the religious beliefs of a group of people are still provided for.

AWAM holds public education and training workshops on patriarchy, the politicisation of ethnicity and religion, and human rights activism for – among others – university students, companies, and activists.
What do you say to those who argue that the Syariah Law system does protect people’s rights, but it just has a different conception of those rights? There are those who disagree with the kind of human rights that groups like AWAM push for. They say that it’s inapplicable to the kind of beliefs that they have grown up with, and which many people believe have been their way of life for a very long time. An example of this might be a rights system in which the husband has certain rights against the wife, and vice versa, but the two sets of rights are not identical.

Personally, I think the starting point is that we have to recognise that different religious practices exist, and different religious or ethnic groups have different needs and wants. One answer is to come back to the idea of inalienable rights – your rights are not affected by your religious and cultural beliefs. In practice, this is really complicated, and it needs a lot of debate and conversation. At AWAM, we try to address this issue by finding things we have in common with groups who have different beliefs, and who think that – as you say – our idea of rights doesn’t apply. We try to build bridges. For example, we work with a faith-based organisation called IKRAM. Some of their views, for example about sex education, are different from ours, but we still try to work with them on the common ground that we are both against violence against women. The more important question, in this kind of scenario, is whose views are represented in a room. For instance, would it be right if, in a group of 10 people making decisions about abortion, seven are men? People need to be open about building bridges across different beliefs, but decision-making requires that these different beliefs are represented in a proportionate way, because some people have greater privilege than others.

Another answer to this problem about different conceptions of human rights is to recognise that these beliefs [that underlie both religious beliefs and human rights ideas] change over time.

...We can navigate the different systems and beliefs in our human rights work...

For example, child marriage was a non-issue in Malaysia about 80, 90 years ago. But how much we know, how much we learn, and what we think is acceptable are things that change over time. Culture changes. Now, in this country, child marriage is not universally acceptable. When someone says that child marriage is in their Malay and/or Muslim culture and that human rights is not relevant to the discussion, we have to ask questions about power imbalances. For instance, the state government of Kelantan claims that, according to religious teaching, child marriage is the only way to prevent social ills. We have to ask, who should the [secular] Constitution be protecting? Where is the Federal Government in this conversation, and why aren’t they doing anything about this?

It’s again about who has a voice, who is represented, and who gets to speak.

Yes, and we talk about this too little in Malaysia. When we say ‘feminism’, whose version of feminism are we referring to? When we say ‘adapting feminism to the Malaysian context’, who are the Malaysians we’re referring to? There is an official narrative about what Malaysians are, but what about people who don’t fit that bill? Who gets to question it? It’s too complicated for me to give you a straight answer, but I know that it’s about substantive equality and privileges, and that we need spaces to talk about all these things.
In the past year, AWAM has also been holding a regular discussion group called 'Feminist Buatan Malaysia Series' (Made-in-Malaysia Feminist), as well as working with other women's rights groups in Malaysia to draft an anti-sexual harassment bill for the Ministry of Women, Family, and Community Development.

Voices in Human Rights is a publication from the University of Cambridge’s Centre of Governance and Human Rights Student Group based on student-led interviews with those in the human rights field from across the world. These interviews aim to broaden the dialogue around the conceptual and practical uses of the human rights language with the voices of individuals, groups, and organizations seeking social justice. The conversations engage perspectives on the advantages and critiques of the ideas around human rights, insights on the challenges and obstacles in rights-based struggles, and ideas of allyship with the future of human rights. This publication seeks to include more voices in discussion in order to nuance understandings of human rights and justice.

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Centre of Governance and Human Rights
Student Group 2018/2019
University of Cambridge